

# FTA

## **City of Poughkeepsie Transit** ADA Fixed Route Bus Accessibility, Equipment Maintenance, Reliability, and Use Compliance Review

February 2017  
**Final Report**



U.S. Department of Transportation  
Federal Transit Administration

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## Table of Contents

Executive Summary .....	5
1 General Information .....	7
2 Jurisdiction and Authorities.....	9
3 Purpose and Objectives .....	11
3.1 Purpose .....	11
3.2 Objectives.....	11
4 Introduction to Poughkeepsie Transit.....	1
4.1 Introduction to Services and Organizational Structure .....	1
5 Scope and Methodology .....	3
5.1 Scope .....	3
5.2 Methodology .....	3
5.3 Stakeholder Interviews .....	5
6 Findings and Advisory Comments .....	7
6.1 Accessibility Equipment Specifications .....	7
6.2 Use of Accessibility Equipment .....	8
6.3 Maintenance of Accessible Features .....	9
6.4 Reporting Failures, Removing Vehicles from Service, Providing Alternative Transportation .....	10
6.5 Training .....	11
6.6 Complaint Resolution and Compliance Information.....	12
6.7 Service Under Contract with a Private Entity .....	14
6.8 Service Provided by Another Public Entity .....	14
Summary Table of Compliance Review Findings .....	15
<b>Attachments</b>	
A    FTA Notification Letter to City of Poughkeepsie	
B    FTA Complaint 15-0173 Documents	

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## Executive Summary

### Objective and Methodology

This report reviews the City of Poughkeepsie's fixed route bus service in Poughkeepsie, New York (Poughkeepsie Transit). Its objective is to verify whether Poughkeepsie Transit is meeting its obligations under the Americans with Disabilities Act (ADA) to provide service to persons with disabilities in accessible fixed route vehicles.

This compliance review included three stages:

1. Preparation: compilation of information covering policies, procedures and outreach to riders and local disability organizations
2. Site visit: a two-person review team's observation of Poughkeepsie Transit's vehicle maintenance practices, pre-trip inspections, in-service accommodation of riders with disabilities, policies and procedures for lift and securement areas, complaint resolution process, training programs, and inspections of accessibility components
3. Analysis and reporting: identification of deficiencies requiring corrective actions and suggestions of effective practices in complementary paratransit service

Poughkeepsie Transit representatives are committed to operating high quality, accessible fixed route bus service. Its fixed route service includes the following positive program elements:

#### **Positive Program Elements**

- Poughkeepsie Transit has a comprehensive preventive maintenance program.
- Bus drivers and supervisory personnel are customer-oriented.

Poughkeepsie Transit has the following administrative deficiencies that are easily correctable to bring its program into compliance with 49 CFR Parts 27, 37, and 38:

#### **Administrative Deficiencies**

- Poughkeepsie Transit has not designated at least one person to coordinate efforts to comply with the nondiscrimination requirements.
- Poughkeepsie Transit does not advertise to the public the process for filing a complaint including name or title (e.g., ADA Coordinator) of an individual, with address, telephone, and email.

Poughkeepsie Transit needs to address the following substantive deficiencies to bring its program into compliance with 49 CFR Parts 27, 37, and 38:

#### **Substantive Deficiencies**

- Poughkeepsie Transit kept a bus in service for more than five days on two occasions after learning that the bus had an inoperable ramp.
- Alternative transportation policies are not in place when lifts/ramps are inoperable and headways exceed 30 minutes.
- Poughkeepsie Transit personnel are not sufficiently trained appropriate to their duties.

Please see Section 6 for a discussion of all nine deficiencies. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. The City of Poughkeepsie must address all deficiencies within 60 days of receipt of this report.

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## 1 General Information

This chapter provides basic information concerning this compliance review of the Centre Area Transportation Authority. Information on Poughkeepsie Transit, the review team, and the dates of the review are presented below.

Grant Recipient:	City of Poughkeepsie (Poughkeepsie Transit)
City/State:	Poughkeepsie, NY
Grantee Number:	2062
Executive Official:	Paul Ackerman, Corporation Counsel and Acting City Administrator
On-site Liaison:	Karen Sorrell, Deputy Commissioner of Finance
Report Prepared By:	The Collaborative, Inc.
Dates of On-site Visit:	October 5–7, 2016
Review Team Members:	David Chia Bill Schwartz

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## **2 Jurisdiction and Authorities**

Public entities that operate fixed route transportation services for the general public are required by the U.S. Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act of 1990 (ADA) to provide equipment that meets the specifications contained in 49 CFR Part 38, Subpart B. These regulations (49 CFR Parts 27, 37, 38, and 39) also include complaint handling, service, training, and equipment maintenance requirements. When accessibility equipment is out of order, a transit agency must also take reasonable steps to accommodate riders who would otherwise use the equipment.

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the ADA and the DOT regulations implementing the ADA.

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## **3 Purpose and Objectives**

This chapter discusses the purpose and objectives of an FTA Accessibility Equipment Maintenance, Reliability, and Use compliance review and the review process.

### **3.1 Purpose**

Pursuant to 49 CFR §§27.19 and 27.123, as part of its oversight efforts, the FTA, through its Office of Civil Rights, conducts periodic reviews of fixed route services operated by its grantees. Compliance with all applicable requirements of the Americans with Disabilities Act (ADA) of 1990 (42 USC 12101-12213) including the DOT ADA Regulations, is a condition of eligibility for receiving Federal financial assistance.

### **3.2 Objectives**

The primary objective of this review is to verify whether a public operator of a fixed route transit agency that benefits from FTA funding is meeting its obligations under the ADA regarding accessibility equipment and its use and maintenance. This review examines the City of Poughkeepsie's (Poughkeepsie Transit) bus accessibility equipment and the policies, procedures and operations of Poughkeepsie Transit's operating procedures; maintenance; training; and complaint process.

The review team observed operations and maintenance activities, and reviewed records and operating documents. To verify the accuracy of the public operator's reported information and evaluate its methodology, the review team also conducted its own independent analysis of sample data.

This report summarizes findings and advisory comments. Findings of deficiency require corrective action and/or additional reporting. Advisory comments are statements detailing recommended or suggested changes to policy or practice to ensure best practices under the ADA.

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## 4 Introduction to Poughkeepsie Transit

The City of Poughkeepsie, NY directly operates local bus fixed route service (Poughkeepsie Transit) and maintains its own fleet. Based on the FY 2014 National Transit Database (NTD), approximately 28,844 people live in the Poughkeepsie Transit service area, which covers approximately five square miles; this service area is a subset of the entire urbanized area, with a population of 423,566.



Figure 4.1 – For information on Poughkeepsie Transit, see <http://cityofpoughkeepsie.com/public-works/bus-service>

### 4.1 Introduction to Services and Organizational Structure

Poughkeepsie Transit service operates weekdays from 6:25 a.m. to 6:30 p.m. (shorter hours on Saturday) on six bus routes; headways range from 30 to 60 minutes. Based on FY 2014 NTD, average weekday bus ridership is about 1,300 (364,501 riders per year).

Poughkeepsie Transit has a fixed route fleet of eight buses: six are ramp-equipped and two have lifts. The buses range in age from model year 2011 to model year 2004. See Table 4.1.

Poughkeepsie Transit has a single bus garage and vehicle maintenance facility at 26 Howard Street, Poughkeepsie. The administrative office is at 62 Civic Center Plaza, Poughkeepsie.

**Table 4.1 – Poughkeepsie Fixed Route Bus Fleet**

<b>Year and Brand</b>	<b>Model</b>	<b>Vehicle #</b>	<b>Length/Capacity</b>	<b>Lift or Ramp</b>	<b>Wheelchair spaces</b>
2004 Gillig	Phantom	281	35' L, 36 seats, 26 standing	Lift	2
2004 Gillig	Phantom	282			
2008 Gillig Hybrid	Phantom	08-283	40' L, 38 seats, 28 standing	Ramp	2
2008 Gillig Hybrid	Phantom	08-284	35' L, 32 seats, 24 standing	Ramp	2
2008 Gillig Hybrid	Phantom	08-285			
2008 Gillig Hybrid	Phantom	08-286			
2011 Gillig Hybrid	Phantom	287	40' L, 38 seats, 28 standing	Ramp	2
2011 Gillig Hybrid	Phantom	288	35' L, 32 seats, 24 standing	Ramp	2

## 5 Scope and Methodology

The purpose of this review is to provide FTA with a tool for determining whether a public operator of a fixed-route system is in compliance with requirements under the ADA regarding accessibility equipment and its maintenance, reliability, and use. However, the deficiencies identified and findings made in this report are by necessity limited to the information available to and the observations made by the review team at the time of the site visit. A lack of findings in a particular review area does not constitute endorsement or approval of an entity's specific policies, procedures, or operations; instead, it simply indicates that no deficiencies in the delivery of service were observed at the time of the review.

The scope of the review and the methodology employed by the review team are described in greater detail below.

### 5.1 Scope

The review focused on whether Poughkeepsie Transit obtains, uses, and maintains accessibility equipment in compliance with the DOT ADA regulatory requirements. Specifically with regard to accessibility equipment, whether Poughkeepsie Transit's vehicles, training, maintenance, operations practices, and complaint handling meet the DOT regulatory standards.

Overall, the accessibility equipment maintenance, reliability, and use compliance review included the following regulatory requirements:

- Complaint resolution and compliance information (49 CFR §§ 27.13(b) and 27.121(b))
- Nondiscrimination (49 CFR § 37.5)
- Service under contract (49 CFR § 37.23) (if applicable)
- Maintenance of accessibility features (49 CFR § 37.161)
- Reporting failures; removing vehicles from service; alternative transportation (49 CFR § 37.163)
- Lift and securement use (49 CFR § 37.165)
- Lift deployment; securement area use (49 CFR § 37.167)
- Training requirements (49 CFR § 37.173)
- Accessibility equipment specifications for fixed route buses (49 CFR Part 38, Subpart B)

Although this review does not focus directly on compliance with stop and route identification announcement requirements, the following regulatory requirements also are pertinent:

- Stop announcements (49 CFR § 37.167 (b))
- Identifying vehicles and/or passengers (49 CFR § 37.167 (c))

### 5.2 Methodology

The FTA Office of Civil Rights sent a notification letter to the City of Poughkeepsie Acting City Administrator, Mr. Ronald J. Knapp, on June 22, 2016, confirming the timeframe for the review and requesting that information be sent to the review team by July 15, 2016. See Attachment A. Subsequent to the transmission of this notification letter, FTA re-scheduled the site visit to October 5–7, 2016.

Prior to the on-site visit, the review team examined the following service information:

1. Poughkeepsie Transit's information on how it structures fixed route service
2. Public information describing Poughkeepsie Transit's fixed route service

3. Bus fleet inventory identifying year, make, garage, and whether each vehicle is accessible by lift or ramp
4. Description of Poughkeepsie Transit's lift/ramp maintenance practices and the location and individual(s) performing lift maintenance
5. Maintenance procedures for accessibility features and a blank bus pre-trip checklist
6. Poughkeepsie Transit's current manuals, notices, or other documents informing operators, supervisors, dispatchers, starters, maintenance and other transit personnel about lift operation and maintenance policies, procedures and requirements
7. Poughkeepsie Transit's training materials for operators, supervisors, dispatchers, starters, maintenance and other transit personnel regarding the use and maintenance of accessibility equipment
8. Poughkeepsie Transit's reports or other documentation regarding lift operation, maintenance and reliability monitoring activities and findings
9. List of complaints related to bus lifts/ramps and other accessibility equipment filed with Poughkeepsie Transit in the past year
10. List of procurements for new vehicles; copy of procedures for developing bus specifications

As requested by the FTA, Poughkeepsie Transit made additional information available during the visit:

1. Copies of Poughkeepsie Transit's most recent policies, procedures and maintenance requirements regarding the use, deployment and maintenance of lifts, ramps and other accessibility equipment, and the requirement to provide alternative transportation
2. Copies of any materials distributed to transit and contractor staffs concerning the use, deployment, and maintenance of lifts, ramps and other accessibility equipment, and the requirement to provide alternative transportation
3. Maintenance records and reports, as requested
4. Sample forms Poughkeepsie Transit uses to record the monitoring of employee compliance with requirements for the use, deployment and maintenance of lifts, ramps and other accessibility equipment, and the requirement to provide alternative transportation
5. Copies of Poughkeepsie Transit's most recent policies and procedures regarding complaint recording, documentation, handling, and retention; policies and procedures for handling ADA-related complaints

The on-site review of Poughkeepsie Transit's service took place from October 5–7, 2016. The review began with an opening conference, held at 1 p.m. on October 5 at the City of Poughkeepsie Department of Public (DPW) facility at 26 Howard Street. As part of this meeting, the review team presented a proposed schedule for the remainder of the site visit. The following people attended the meeting:

- Karen Sorrell, Deputy Commissioner for Finance, City of Poughkeepsie
- Chris Gent, DPW Commissioner, City of Poughkeepsie
- Richard Bell, Operations Manager, Poughkeepsie Transit
- George McGann, Safety Coordinator, Poughkeepsie Transit
- Susan Clark, Equal Opportunity Specialist, Federal Transit Administration (via telephone)
- Brittney Berry, Equal Opportunity Specialist, Federal Transit Administration (via telephone)
- Lynn Bailey, Acting Civil Rights Officer, Region 2, Federal Transit Administration (via telephone)
- David Chia, Team Leader, the Collaborative
- Bill Schwartz, Team Member, the Collaborative



Following the opening conference, the review team met with Poughkeepsie Transit staff to discuss the information sent in advance as well as the information and material that was available on site. This included vehicle maintenance procedures, existing fleet characteristics and plans for procuring new vehicles, and a review of the complaint filed with FTA.

The review team also inspected two representative vehicles from the Poughkeepsie Transit fleet—one ramp-equipped and one lift-equipped—for compliance with the DOT ADA vehicle specifications.

For the remainder of the afternoon, team members began to review vehicle maintenance and operations data covering late 2014 to October 2016.

On Thursday, October 6, the review team observed the morning pullout of buses for all six Poughkeepsie Transit routes at the DPW facility. They observed drivers as they inspected their buses and tested equipment, including ramps or lifts, wheelchair belts and securements, stop notification devices, and public address microphones.

Team members also analyzed vehicle maintenance and operations data to determine if Poughkeepsie Transit had been using buses that had inoperable lifts/ramps. They interviewed the vehicle maintenance manager and the operations manager. One team member reviewed the procedures for accepting, investigating, and responding to ADA-related complaints.

On Friday, October 7, 2016, the review team met with the safety coordinator and operations manager to discuss the driver training program, particularly using accessibility equipment and serving passengers with disabilities. Team members also tabulated the various data that had been gathered and prepared for the exit conference.

The exit conference took place at 1 p.m. at the Poughkeepsie City Hall. Attending the conference were:

- Paul Ackerman, Corporation Counsel and Acting City Administrator, City of Poughkeepsie
- Karen Sorrell, Deputy Commissioner for Finance, City of Poughkeepsie
- Chris Gent, DPW Commissioner, City of Poughkeepsie
- George McGann, Safety Coordinator, Poughkeepsie Transit
- John Day, Manager for Policy and Technical Assistance, Federal Transit Administration (via telephone)
- Brittney Berry, Equal Opportunity Specialist, Federal Transit Administration (via telephone)
- Lynn Bailey, Acting Civil Rights Officer, Region 2, Federal Transit Administration (via telephone)
- David Chia, Team Leader, the Collaborative
- Bill Schwartz, Team Member, the Collaborative

FTA provided Poughkeepsie Transit with a draft copy of the report for review and response.

Poughkeepsie Transit responded to FTA with no comments.

### **5.3 Stakeholder Interviews**

The review team attempted to identify Poughkeepsie Transit bus riders with experience using accessibility features by contacting local human service agencies in Poughkeepsie and surrounding Dutchess County. While the agencies identified complementary paratransit service riders, they didn't identify any riders with disabilities who use Poughkeepsie Transit. As such, the review team did not conduct any stakeholder interviews.

### **FTA Complaint**

A Poughkeepsie Transit rider filed a complaint with FTA (15-0173) on July 8, 2015 and described two incidents related to maintenance of accessibility features. On April 30, 2015, he and his wife wanted to board a Poughkeepsie Transit bus (#283). He claimed that the driver refused to let him board, saying the ramp had been broken for quite some time. The rider then lifted his scooter onto the bus and carried it off the bus when he and his wife reached his destination. Later that day, he carried his scooter onto the same bus for another trip. He claimed the afternoon driver said that bus 283 had been on the route for months with the inoperable lift/ramp.

On May 9, 2015, the same rider and his wife encountered bus 283 with the inoperable ramp at a stop on the Galleria Route. Again, the driver initially refused to let him board, saying the ramp was not working. The rider again lifted his scooter onto the bus. After leaving the Galleria Mall later that day, he and his wife chose instead to take the Dutchess County Loop A to a grocery store. (Dutchess County operates fixed route bus service within Poughkeepsie with some overlapping routes.)

FTA requested and received information from city officials in response to the initial complaint, and summarized the investigation in a Letter of Finding. See Attachment B. This compliance review includes further analysis of the matter as discussed throughout the report.

## 6 Findings and Advisory Comments

This chapter details the findings for each of the areas pertinent to the regulations found in 49 CFR Sections 27, 37 and 38 outlined in the Scope and Methodology section above. For each area, an overview of the relevant regulations and a discussion of the regulations as they apply to Poughkeepsie Transit's fixed route transportation system is provided below, with corrective actions and a timetable to correct deficiencies for each of the requirements and sub-requirements, where necessary.

Findings are expressed in terms of "deficiency" or "no deficiency." Findings of deficiency denote policies or practices found to be not in compliance with the DOT ADA regulations or matters, for which FTA requires additional reporting to determine whether an ADA compliance issue exists.

Findings of deficiency shall always require corrective action and/or additional reporting, and will always be expressed as:

- A statement concerning the policy or practice in question at the time of the review
- A statement concerning the DOT ADA requirements being violated or potentially being violated
- A statement concerning the required corrective action to resolve the issue

Advisory comments are statements detailing recommended or suggested changes to policies or practices to ensure best practices under the ADA or otherwise assist the entity in achieving or maintaining compliance.

### 6.1 Accessibility Equipment Specifications

**Requirement:** Under 49 CFR § 37.7, transit vehicles must comply with the standards established under 49 CFR Part 38, "Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles," in order to be accessible. Subpart B, which covers "buses, vans and systems," includes the specifications that apply to vehicles used in fixed route bus operations.

**Discussion:** During this compliance review, a deficiency was found with Poughkeepsie Transit's accessibility equipment.

An advisory comment is made regarding the visibility of priority seating signs.

The review team inspected two vehicles, each representative of Poughkeepsie Transit's two different bus models:

1. Gillig Phantom 35-foot bus equipped with front door lift (#282, model year 2004)
2. Gillig Phantom 35-foot bus equipped with front door ramp (#288, model year 2011)

The review team checked each vehicle type for conformance with the Part 38 specifications. Both vehicles complied with these requirements with the exception of the § 38.27(a) requirements for Priority Seating Signs, which state,

Each vehicle shall contain sign(s) which indicate that seats in the front of the vehicle are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them. At least one set of forward-facing seats shall be so designated.

On the two ramp-equipped Gillig buses, the priority seating signs are located above side-facing seats rather than at least one forward-facing seat.

In addition, the signs designating priority seating and securement areas have the correct wording. The signs have black lettering on a clear background for legibility, which complies with the Part 38

specifications. However, the lettering is not easily legible at night because the signs are affixed to windows. See Figure 6.1.



Figure 6.1 Priority Seating Sign with Black Lettering on Clear Background

**Corrective Action Schedule:** Within 60 days of the issuance of the final report, Poughkeepsie Transit must affix signs adjacent to forward-facing seats in the front of its ramp-equipped vehicles to designate priority seating.

**Advisory Comment:** When using see-through priority seating signs, an effective practice is to affix such signs against light-colored bus walls (i.e., between the window and the top of the seat) to contrast the lettering with the background.

## 6.2 Use of Accessibility Equipment

**Requirement:** Under 49 CFR § 37.165, transit providers must transport the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The entity may decline to transport a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.<sup>1</sup> Transit providers may determine whether or not to establish a policy requiring that wheelchairs be secured during transport.

Vehicle operators (drivers) must assist passengers in the use of the lift, ramp, and securement systems.

Under 49 CFR § 37.167, transit providers must ensure that individuals with disabilities have adequate time to complete boarding (which includes reaching a seat or securement location) or exiting the vehicle.

Transit providers must permit mobility device users to board facing forward or backward. Under Section 38.23, lifts must accommodate both inboard and outboard facing of wheelchair and mobility aid users.

Transit providers are required to permit a passenger who uses a lift or ramp to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, would be damaged if it were deployed, or temporary conditions at the stop not under the control of the transit provider precludes the safe use of the

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<sup>1</sup> “Legitimate safety requirements” is an objective factor (not subjective) and applies solely in the context of accommodating mobility devices that exceed the minimum requirements for vehicles and equipment. Appendix D to §37.165 provides the example of a wheelchair of a size that would block an aisle and interfere with the safe evacuation of passengers in an emergency. Speculation that a particular wheelchair may be difficult to accommodate is not a basis for making such a determination; if a lift appears to be straining under a weight that is within its design load, vehicle age or maintenance practices may be a factor.

stop by all passengers. The transit provider must deploy lifts or ramps for persons who do not use wheelchairs, including standees.

Vehicle operators are required to ask individuals sitting [in] a fold-down or other movable seat in a wheelchair securement location” to move for those riders with disabilities who need to use the securement area. Transit providers may adopt mandatory “move” policies.

**Discussion:** During this compliance review, no deficiencies were found with these requirements. The review team reviewed the bus driver manual and interviewed Poughkeepsie Transit’s Operations Manager, who is also a bus driver, dispatcher, and trainer.

Poughkeepsie Transit transports riders within the combined weight capacity of its ramps and lifts and secures wheelchairs during transport.

Drivers assist passengers using lift, ramp, and securement systems and provide adequate time to complete boarding or exiting the vehicle

Poughkeepsie Transit permits users of mobility devices to board in either direction.

Drivers permit use of lifts and ramps at all designated stops and deploy ramps for riders who request them. In some instances, such as when riders use walkers, drivers preemptively deploy ramps, because boarding time isn’t any longer than when using bus kneelers.

Drivers are trained to ask riders to vacate the securement locations when needed. While Poughkeepsie Transit does not have a mandatory move policy, it trains its drivers to strongly encourage riders to vacate securement locations.

### 6.3 Maintenance of Accessible Features

**Requirement:** Under 49 CFR § 37.161, transit agencies must maintain lifts, ramps, securement systems, public address systems, and other accessibility-related equipment such as elevators, stop announcement/route identification systems, etc., in operating condition. If damaged or out of order, this equipment must be repaired promptly. When equipment is out of order, a transit agency must also take reasonable steps to accommodate riders who would otherwise use the equipment. In addition, 49 CFR § 37.163 requires transit agencies to have in place a system of regular and frequent maintenance checks of vehicle lifts sufficient to determine whether they are operative.

**Discussion:** During this compliance review, no deficiencies were found with the requirement to maintain and promptly repair accessibility-related equipment overall. Deficiencies related to promptly repairing lifts and ramps are discussed in Section 6.4. Advisory comments are made on availability of backup vehicles and on promptly repairing bus kneelers.

Poughkeepsie Transit drivers frequently check their vehicle lifts to determine whether they are usable. Drivers conduct pre- and post-trip vehicle checks for every vehicle run. If more than one driver uses a bus in a day, each driver conducts a pre- and post-trip vehicle check. They note any problems on a pre/post-trip form and they submit a copy of the completed form to the maintenance department, whose mechanics try to make repairs the same day if possible. The DPW has one mechanic dedicated to the eight buses. When needed, other city mechanics can also work on the buses.

Poughkeepsie Transit follows a regular schedule of preventative bus maintenance. Each month, all buses undergo an “A” level preventative maintenance. This includes inspecting the ramp or lift, along with other accessibility equipment. All buses undergo a “B” level preventative maintenance every six months, which includes a more thorough check and cleaning of the ramp or lift.

DPW uses a computerized vehicle maintenance system to track all maintenance issues and activities for the city's entire vehicle fleet. In addition, DPW maintains a paper file for each bus, which includes the drivers' completed pre- and post-trip forms and records of all work the mechanics perform.

The review team examined maintenance records and noted that the kneeler for a bus (#281) was recorded as not working for 10 days (February 10–20, 2015). The bus remained in service while the kneeler was not working.

**Advisory Comments:** Poughkeepsie Transit's two backup buses are lift-equipped and more than 12 years old (model year 2004). According to DPW staff, these older buses have not been as reliable as newer buses but remain in regular use. An effective practice for the City of Poughkeepsie would be to obtain newer buses to eliminate its reliance on these buses.

An effective practice is for Poughkeepsie Transit to repair kneelers more promptly. While the DOT regulations do not include kneelers as accessibility equipment, they are important for certain persons with disabilities who need assistance to board and alight the vehicle.

## 6.4 Reporting Failures, Removing Vehicles from Service, Providing Alternative Transportation

**Requirement:** Under 49 CFR § 37.163, transit agencies must ensure that vehicle operators immediately report to operations headquarters any failure of a lift or ramp to operate in service. When the transit agency learns that a lift/ramp has malfunctioned or is inoperable, the transit agency must take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift/ramp is repaired before the vehicle returns to service. If the transit agency has no spare vehicle available to take the place of a vehicle with an inoperable lift/ramp, such that taking the vehicle out of service will reduce the service the transit agency is able to provide, the agency may keep the vehicle in service with an inoperable lift/ramp for no more than five days (if serving an area of 50,000 or less population) or three days (if serving an area of over 50,000 population) from the day on which the device is discovered to be inoperative.

In any case in which a vehicle with an inoperative lift/ramp operates on a fixed route, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the transit agency must promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift/ramp does not work. Appendix D to 49 CFR § 37.163 provides examples of how this service can be provided, such as by having an accessible vehicle "shadow" the bus with the inoperative lift/ramp or by dispatching an accessible vehicle with a short (i.e., less than 30-minute) response time.

**Discussion:** During this compliance review, deficiencies were found with Poughkeepsie Transit keeping buses in service for more than five days with inoperable ramps, and with its alternative transportation procedures.

As discussed in the FTA complaint narrative in Section 5.3, a rider tried to use Bus 283 on April 30 and May 9, 2015. He said that both times the driver initially refused to let him board with his scooter because the ramp was broken. Both times, he lifted his scooter onto the bus.

A response letter from the City of Poughkeepsie to FTA (August 15, 2015) acknowledges that Bus 283's wheelchair lift (this bus is actually ramp-equipped) was not working on April 30 and May 9, 2015. The letter also states, "another bus with an operational wheelchair lift was following on the same route."

The review team examined maintenance files from late 2014 to October 2016 for all eight Poughkeepsie Transit buses. These files include records of regular maintenance, repairs, and in-service road calls. Records describe the nature of any lift or ramp failures, along with dates that mechanics (or other staff)



identified and repaired the problem. The review team compared these dates with operations data to determine if a bus was in service during any specific day.

Based on this analysis and consistent with the complaint allegations, the review team confirmed two instances of Poughkeepsie Transit keeping a bus in service for more than five days after learning that the bus had an inoperable ramp.

1. **Bus #286:** The maintenance records indicate an inoperable ramp on September 16, 2014 with the note, “Bus can be used. But cannot use wheelchair ramp.” The records indicate Poughkeepsie Transit replaced the ramp on April 27, 2015. The operational records indicate this bus was in service for 37 days (September 17–October 23, 2014).
2. **Bus # 283:** The maintenance records indicate an inoperable ramp on March 16, 2015 with the note, “Broken chain. Order parts.” The records indicate Poughkeepsie Transit repaired the ramp on May 20, 2015. Operational records indicate the bus was in service for 63 days (March 17–May 18, 2015. This bus was the subject of the FTA complaint discussed in Section 5.3.

According to the FTA complaint, Poughkeepsie Transit stated its Main Street and Shopper’s Special routes overlap/duplicate service. In addition, Poughkeepsie Transit stated its Southside and Galleria Routes overlap and duplicate service with headways of 30 minutes between buses on the route pairs. While service overlaps on these routes, the overlap only covers certain geographic areas and not the entire route, meaning that riders who wish to travel to/from the non-overlapping portions of these routes cannot use the bus where routes diverge.

The FTA complaint also raised additional questions about Poughkeepsie Transit’s policies and procedures related to inoperable lifts or ramps. FTA’s investigation inquired how Poughkeepsie Transit communicates with waiting passengers who need accessible vehicles with working lifts or ramps when in-service lifts or ramps are inoperable or how it promptly provides alternative accessible transportation.

Poughkeepsie Transit does not have any procedures to inform riders of lift/ramp issues or to provide alternative transportation by dispatching a bus from the DPW garage or using another accessible vehicle. Strategies for addressing this requirement are discussed Appendix D to § 37.163(f) and in FTA’s ADA Circular 4710.1, Section 6.2, “Lift/Ramp Issues Specific to Fixed Route.”

**Corrective Action Schedule:** Within 60 days of the issuance of the final report, Poughkeepsie Transit must take buses with inoperable lifts or ramps out of service before the beginning of the vehicle’s next service day and repair the lifts/ramps before the buses return to service. Poughkeepsie Transit may keep buses in service with inoperable lifts/ramps for no more than five days if no backup buses are available.

Poughkeepsie Transit must also implement procedures for providing alternative transportation on routes with headways greater than 30 minutes. For example, Poughkeepsie Transit may create a procedure to dispatch a backup bus to carry a rider who needs accessible service or, via its contracted service provider (Dutchess County), dispatch a lift-equipped vehicle from the paratransit fleet.

## 6.5 Training

**Requirement:** Under 49 CFR § 37.173, each public or private entity which operates a fixed route or demand responsive system must ensure that employees are trained to proficiency in the safe and proper operation of vehicles and equipment and in the proper assistance and treatment of riders with disabilities. Training must be specific to the tasks performed by the individual and should include both proficiency and sensitivity. Training for operators, dispatchers, maintenance staff and operations managers, as well as other personnel, must cover the ADA regulatory requirements and transit agency policies and procedures for ensuring compliance. Operators must be thoroughly trained in the proper operation of all accessibility equipment and in the appropriate treatment of riders with disabilities.

**Discussion:** During this compliance review, deficiencies were found with the level and extent of Poughkeepsie Transit’s employee training.

### **Drivers**

Poughkeepsie Transit’s new driver training curriculum involves 2 days of classroom training and requires drivers to watch 3 ADA videos:

- Driver’s Guide to ADA Compliance, Lancer Insurance Company
- Accessible Community Transportation in our Nation, Easter Seals Project Action
- Customer Care and Passenger Safety

According to Poughkeepsie Transit, almost all new drivers have experience driving buses. The instructor focuses vehicle training on the use of accessibility equipment. Examinations include written and road tests and an in-revenue service ride along, typically on a Saturday. The instructor deploys in the field as needed.

Poughkeepsie Transit issues each driver a copy of its “Operations Handbook, A Manual of Procedure for City of Poughkeepsie Transit System.” This handbook covers procedures for proper and safe operation of the bus but contains no references to using accessibility features or to any ADA requirements. Although Poughkeepsie Transit uses a pre-trip inspection form that includes inspecting lifts and ramps, the handbook does not reference checking the lift/ramp or other accessibility features. This handbook is the only written guidance provided to drivers; all other guidance is provided via ongoing verbal communications.

Although the use of ADA videos as part of initial training is likely sufficient to introduce new drivers to working with passengers with disabilities, the current driver handbook is insufficient. Using an ad hoc and informal approach to addressing the needs of passengers with disabilities is also inappropriate.

The review team observed drivers performing pre-trip inspections and asked drivers questions during these observations such as, “What do you do when a ramp won’t deploy automatically?” While each vehicle is supposed to be equipped with a “J”-shaped metal hook to manually lift and deploy the ramp, drivers answered the question inconsistently. One driver was unaware of the hook while another knew of the hook but could not locate it. Another driver did not know how to adjust the toggle switch that adjusts whether the stop announcement indicator remains illuminated or in repeat mode.

### **Maintenance Personnel**

As discussed in Section 6.3, Poughkeepsie Transit has a regular program to maintain its buses and has mechanics and resources to make prompt repairs in most instances. During the site visit, maintenance personnel were unfamiliar with the regulatory limitations covering operating vehicles with inoperable lifts or ramps and the alternative transportation requirements when headways are longer than 30 minutes.

**Corrective Action Schedule:** Within 60 days of the issuance of the final report, Poughkeepsie Transit must revise its written operations materials to cover the ADA regulatory requirements and policies for ensuring compliance, including procedures to follow when lifts or ramps are inoperable. They must also properly train maintenance and other operations personnel appropriate to their duties.

## **6.6 Complaint Resolution and Compliance Information**

**Requirement:** Under 49 CFR § 37.5, transit agencies must not discriminate against an individual with a disability in connection with the provision of transportation service, or deny any individual with a disability the opportunity to use the transportation services it provides to the general public. The agency must provide service to persons with disabilities in the most integrated setting possible. Discriminatory practices include and are not limited to requiring the use of alternate transportation services rather than



fixed route service; requiring persons with disabilities to be accompanied by an attendant; imposing special charges upon people with disabilities; and requiring people with disabilities to use designated priority seating.

Under 49 CFR §§ 27.13(a) and 37.17(a), the transit agencies must designate at least one person to coordinate its efforts to comply with the nondiscrimination requirements contained in DOT ADA regulations.

Under 49 CFR §§ 27.13(b) and 37.17(b), the transit agency must adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. This includes sufficiently advertising to the public the process for filing a complaint. Public advertising will typically include the agency's website. The complaint procedures must be accessible to and usable by individuals with disabilities. Finally, a transit agency must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.

Under 49 CFR § 27.121(b), the agency must keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years. Establishing these policies and procedures is the responsibility of the transit agency, not its contractors.

**Discussion:** During this compliance review, no deficiencies were found with the prohibition against discrimination. The review team examined Poughkeepsie Transit's rider policies published in its schedule. None of its policies or practices are discriminatory.

The review team found deficiencies with several aspects of Poughkeepsie Transit's complaint program and recordkeeping.

Poughkeepsie Transit has not designated at least one person to coordinate ADA compliance.

Its Safety Coordinator, who has been in the position since mid-2015, is responsible for complaint investigation and has maintained detailed complaint records since then. Neither he nor others at Poughkeepsie Transit could provide any records of complaints before mid-2015.

At the time of the site visit, transit service information was provided on the DPW website (<http://cityofpoughkeepsie.com/public-works/bus-service/>). The web page includes information on Title VI complaints but includes no information on filing ADA complaints. The page provides contact information (phone, address, email) for the dispatcher and the City of Poughkeepsie provides a general "Contact Us" web form. No information is provided on obtaining information or filing complaints in accessible formats on request.

The Safety Coordinator follows appropriate procedures when investigating complaints, including documenting pertinent information, reviewing video and audio recordings as required, and addressing any employee issues through a stepped disciplinary process, which often includes retraining. He strives to resolve complaints within one week. This process appears to treat all complaints equitably.

The Safety Coordinator tracks complaints in an Excel spreadsheet. While he stated he follows up with all complainants directly via email, telephone, or in writing, he did not enter the dates of follow-up contact.

**Corrective Actions Schedule:** Within 60 days of the issuance of the final report, Poughkeepsie Transit must implement the following complaint-related corrective actions:

- Designate at least one person to coordinate efforts to comply with the nondiscrimination requirements
- Advertise to the public the process for filing an ADA complaint
- Offer information in accessible formats on request and publicize its availability

- Develop a plan to maintain detailed records of complaints, including dates of resolution and communication to the complainant for at least one year, and a summary of records for at least five years

## 6.7 Service Under Contract with a Private Entity

**Requirement:** Under 49 CFR § 37.23, the transit agency must ensure that any private entity with which it has entered into a contract or other arrangement to provide service meets all the obligations of the DOT ADA regulations, including those for service provision, maintenance, and vehicle or equipment acquisition, that the transit agency would be required to meet, if it provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of its contractor(s) and ensure that these requirements are met. The transit agency must not neglect monitoring or limit its monitoring to the terms and conditions of its contract or other arrangement with the private entity or entities.

**Discussion:** During this compliance review, no deficiencies were found with this requirement, as it is not applicable. Poughkeepsie Transit directly operates its transit services and has not services under contract.

## 6.8 Service Provided by Another Public Entity

**Requirement:** Part 37 of title 49, Code of Federal Regulations, applies to any public entity that provides designated public transportation or intercity or commuter rail transportation. Under 49 CFR § 37.21(b), for entities receiving Federal financial assistance from the Department of Transportation, compliance with the applicable requirements of Part 37 is a condition of section 504 of the Rehabilitation Act of 1973 and of receiving financial assistance. Where a transit agency relies on another public entity to provide service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37.

The transit agency must ensure that the service provided on its behalf meets all of the requirements that the transit agency would be required to meet, if the transit agency provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of such service to ensure that these requirements are met; the transit agency is not permitted to defer to the public entity operating the service.

**Discussion:** During this compliance review, no deficiencies were found with this requirement, as it is not applicable. Poughkeepsie Transit directly operates its transit services and has not arrangements for service with another public entity.

## Summary Table of Compliance Review Findings

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
1	Accessibility Equipment Specifications	38 Subpart B	1 deficiency 1 advisory comment	Ramp-equipped bus has its priority seating signs over side-facing seats rather than forward-facing seats	60/April 2017
2	Use of Accessibility Equipment	37.165, 37.167	No deficiencies		
3	Maintenance of Accessible Features	37.161, 37.163	No deficiencies 2 advisory comments		
4	Reporting Failures, Removing Vehicles from Service, Providing Alternative Transportation	37.163	2 deficiencies	Buses were kept in service for more than five days on two occasions after learning that the bus had an inoperable ramp Alternative transportation policies are not in place when lifts/ramps are inoperable and headways exceed 30 minutes	60/April 2017 60/April 2017
5	Training	37.173	2 deficiencies	Drivers and maintenance personnel are not sufficiently trained appropriate to their duties Operations Handbook does not include sufficient information on ADA requirements or procedures for accommodating riders with disabilities	60/ April 2017 60/April 2017
6	Complaint Resolution and Compliance Information	27.13(b), 27.121(b), 37.5	4 deficiencies	No personnel designated to coordinate efforts to comply with nondiscrimination requirements Complaint filing process not sufficiently advertised Complaint process not accessible Incomplete complaint recordkeeping	60/April 2017 60/ April 2017 60/April 2017 60/April 2017

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
7	Service Under Contract with a Private Entity (if applicable)	37.23	Not applicable		
8	Service Provided by Another Public Entity (if applicable)	37.21(b)	Not applicable		

**Attachment A**  
**FTA Notification Letter to City of Poughkeepsie**



U.S. Department  
Of Transportation  
**Federal Transit  
Administration**

Headquarters

East Building, 5th Floor, TCR  
1200 New Jersey Ave., SE  
Washington, D.C. 20590

June 22, 2016

Ronald J. Knapp  
Acting City Administrator  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

Dear Mr. Knapp:

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA) and the Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38 and 39 as they apply to public transportation. As part of its ongoing oversight efforts, FTA through its Office of Civil Rights conducts a number of on-site ADA compliance reviews of grant recipients.

The purpose of this review will be to determine whether the City of Poughkeepsie is meeting its obligations applicable to the maintenance, reliability, and usage of accessibility equipment of its Transit System in accordance with the requirements contained in Subpart G of 49 CFR Part 37, and other related requirements contained in 49 CFR Parts 27, 37, and 38.

The review process includes data collection before the on-site visit, an opening conference, an on-site review of fixed route bus lift/ramp and maintenance reliability, and an exit conference. The reviewers will complete the on-site portion of the review within a three-day period. FTA has engaged the services of the Collaborative, Inc. (the Collaborative) of Boston, Massachusetts, to conduct this compliance review. The Collaborative team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request your attendance at an opening conference scheduled at **9 a.m. on Tuesday, August 23**, to introduce the Collaborative team and FTA representatives to the City of Poughkeepsie. Attendees should include you or your designee, the fleet service manager, the ADA coordinator, and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend several days on site during the week, please provide them with temporary identification and a workspace within or near your offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as City's liaison with the review team and will coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the site visit, we request that you provide the information described in Enclosure 1, which consists of items that the review team must receive by July 15, 2016. Please forward these materials to the following contact person:

David Chia  
The Collaborative, Inc.  
122 South Street  
Boston, MA 02111  
617-338-0018 x17  
*dc@thecollaborative.com*

FTA requests your attendance at an exit conference scheduled for **1 p.m. on Thursday, August 25, 2015**. The exit conference will afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the fleet service manager, the ADA coordinator, and other key staff attend the exit conference.

The FTA Office of Civil Rights will make findings and will provide a Draft Report. You will have an opportunity to correct any factual errors before FTA finalizes the report. The Draft and Final Report, when issued to the City of Poughkeepsie, will be considered a public document subject to release under the Freedom of Information Act, upon request.

Representatives from the City are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns before the opening conference, please contact Anita Heard, Program Manager for this compliance review, at 202-493-0318 or via e-mail at *anita.heard@.dot.gov*.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with your staff.

Sincerely,



John Day  
Program Manager for Policy and Technical Assistance

cc: William Brady, City of Poughkeepsie, Commissioner of Finance  
Henrika Buchanan-Smith, Acting Regional Administrator, FTA Region II  
Lynn Bailey, Acting Regional Civil Rights Officer, FTA Region II

City of Poughkeepsie  
Fixed Route Lift/Ramp Maintenance Compliance Review

**Enclosure 1**

**You must submit the following information to the Collaborative's contact person by July 15, 2016.**

1. Three copies of the most recent City of Poughkeepsie Transit System route map.
2. A complete set of current detailed City of Poughkeepsie Transit System route schedules.
3. Identify which routes you directly operate and which routes a private contractor operates.
4. Identify the location of each of your garages and which routes/areas each garage serves.
5. A bus fleet inventory identifying for each bus: the model year, make, bus garage, and accessibility equipment, including whether the each bus is low-floor.
6. A description of your maintenance practices for accessibility features (lifts, ramps, wheelchair securements and seatbelts, speakers, electronic signage, priority seating signs, stop announcement equipment, etc.
7. Current fixed route Operator Manual/s, notices, bulletins, memoranda, or other documentation informing vehicle operators of lift/ramp operation and maintenance policies for lifts/ramps and other accessibility features.
8. City of Poughkeepsie Transit System's reports, memoranda, or other documentation that involve operation and maintenance monitoring activities and findings related to accessibility features.
9. A list of complaints related to lift/ramp operations and other fixed route accessibility issues since the beginning of 2015. The list should include customer's name, trip origin, date and substance of complaint, carrier, and resolution (any corrective actions requested and taken).



**Attachment B**  
**FTA Complaint Files**



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

Headquarters

East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

April 18, 2016

Paul Ackerman, Esq.  
Corporation Council  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

Re: FTA Complaint No. 15-0173

Dear Mr. Ackerman:

This letter notifies you that the Federal Transit Administration (FTA) Office of Civil Rights has completed its investigation of the above-referenced Americans with Disabilities Act (ADA) complaint filed against the City of Poughkeepsie's (City) fixed route service and outlines the results of our investigation and the additional action called for from the City. The FTA Office of Civil Rights is responsible for ensuring that providers of public transportation are in compliance with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the U.S. Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38, and 39.

In the FTA complaint investigation process, we analyze allegations for possible ADA deficiencies by the transit provider. If deficiencies are identified, we work with the transit provider to correct the deficiencies within a predetermined timeframe. If FTA cannot resolve apparent violations of the ADA or the DOT ADA regulations by voluntary means, formal enforcement proceedings may be initiated against the public transportation provider, which may result in the suspension or termination of Federal funds. FTA also may refer the matter to the U.S. Department of Justice for enforcement.

Each response is developed based on the specific facts and circumstances at issue. A determination resulting from a review of these facts is not intended to express an opinion as to the overall ADA compliance of that transit provider.

### **Allegations**

The complainant uses a power scooter for mobility. He alleged that the City kept Bus #283 in service with an inoperable lift/ramp and moved it to a different route rather than repairing it. He and his wife attempted to board Southside Bus #283 at 8:38 a.m. on April 30, 2015 at Hooker and Grand. At first, the driver refused them boarding, claiming the lift/ramp had been broken for "some time." The complainant lifted his scooter on and off the bus upon arrival at their destination and again at noon for another trip. The second driver told him that #283 had been on the route "for months" with the inoperable lift/ramp.

On May 9, 2015 at 10:45 a.m., the couple encountered #283 with an inoperable lift/ramp on the Galleria Route. Again, the driver initially refused boarding, stating the lift/ramp was not working. The complainant lifted his scooter on the bus. After leaving the mall, the couple took the Dutchess County LOOP to the grocery store on Route 9 and saw #283 in service on the route.

## **Analysis**

In response to the complaint, FTA sent an information request to the City and received a written response and supporting documentation. As supporting documentation, the City submitted a copy of its "Bus Inspection Sheet" and its July 2015 "Transit System Safety Program Plan" (Safety Plan) and excerpts from it.

The results of FTA's complaint investigation are detailed below. We have identified concerns regarding the City's keeping bus lifts/ramps in operative condition and its tracking and recordkeeping of lift/ramp repairs. We also note additional potential compliance issues involving the following: the City's maintenance checks of lifts/ramps, provision of alternative accessible transportation, personnel training, and disability-related complaint procedures.

### ***Keeping Vehicle Lifts/Ramps in Operative Condition***

The City stated that it operates six fixed routes from September through June and five in July and August. The fixed route fleet is made up of a total of eight accessible buses; six are equipped with a ramp and two have lifts. The City reported that it also contracts with Dutchess County to provide "Dial-A-Ride services and Paratransit." At one point, the City stated that it assumes one of the eight accessible buses is out of service for repair or maintenance, leaving one spare. Elsewhere in its narrative, the City stated two spares.

Under §37.163(d) of the DOT ADA regulations, when a lift/ramp is discovered to be inoperative, the City must take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service. If the lift or ramp cannot be repaired before the next day of service, §37.163 allows the City to place the vehicle back in operation only if a spare is unavailable. Vehicles with inoperable lifts/ramps can be kept in service for no more than five days (if the entity serves a population of less than 50,000). The U.S. Census Bureau's 2014 estimate for Poughkeepsie was 30,513 people. This means that vehicles with inoperable lifts/ramps may be kept in service for no more than five days and only if an accessible spare is unavailable.

Appendix D to the regulations elaborates:

After these times have elapsed, the vehicle must go into the shop, not to return until the lift is repaired. Even during the three- or five-day period, if an accessible spare bus becomes available at any time, it must be used in place of the bus with the inoperative lift or an inaccessible spare that is being used in its place.

Regarding the complainant's specific allegations concerning Bus #283, the City acknowledged it had a "broken ramp" due to a bus accident. Elsewhere in its response, the City stated, "While bus 283's wheelchair lift was not operational on April 30, 2015 another bus with an operational lift was following on the same route." At another point, the City reported that the bus was "pulled for service on May 15, 2015 and work began on May 16, 2015 with work completing May 22, 2015." The City further acknowledged, "While it was in for service, it was 'only' used as a spare bus, and riders were offered alternative means of transportation." The City stated that the bus was put back in service on May 26, 2015.

In response to our request for information on the number of buses needed for peak pull-out and those put into service with lifts/ramps previously reported to be or otherwise known to be inoperable, the City reported the following:

<b>Month</b>	<b>In-service buses/# required for peak pull-out</b>	<b>Buses with inoperable ramps in service as spares (and dates)</b>
January 2015	6 fixed route buses	No response
February 2015	6 fixed route buses	No response
March 2015	6 fixed route buses	1 bus (inoperable ramp) in service as spare (3/17)
April 2015	6 fixed route buses	1 bus (inoperable ramp) in service as spare (no date(s) provided)
May 2015	6 fixed route buses	1 bus (inoperable ramp) in service as spare (fixed 5/20)
June 2015	6 fixed route buses	No response

The above information conflicts with information elsewhere in the City’s response and raises a question on whether the lift/ramp was fixed on May 20 or May 22.

The City provided the incomplete data below in response to our request for information on the number of buses with lift/ramp failures while in service and the length of time those buses stayed in service before being repaired:

<b>Month</b>	<b>Buses with inoperable ramps in service as spares (and dates)</b>
March 2015	1 bus (inoperable ramp) in service as spare 3/17/15
April 2015	1 bus (inoperable ramp) in service as spare (no date)
May 2015	1 bus (inoperable ramp) in service as spare fixed (5/20)
June 2015	0 failed spare bus

The City’s response suggests that Bus #283 was kept in service for longer than five days. The response suggests that the City may have kept Bus #283 in service for as many as 12 days.

The City reported that no buses failed while in service between January and June 2015. The City’s response included unclear references to “0 failed spare bus” occurred in service in June 2015, “1 failed spare bus” was in service in March, April, and May 2015. The City’s inability to provide all the data requested, along with the discrepancies in its response, exacerbated our concerns with its tracking and recordkeeping of lift/ramp repairs and prevented us from ascertaining precisely how many days vehicles with an inoperable lift/ramp were in service during March, April, and May 2015.

***System of Regular and Frequent Maintenance Checks of Lifts and Ramps***

Section 37.163(b) of the DOT ADA regulations requires public transportation providers, such as the City, to institute a system of regular and frequent maintenance checks of lifts and ramps. Drivers are required to report lift/ramp failures as soon as possible. It is not sufficient to wait until the end of the day to report the problem.

Appendix D to the regulations explains:

In the case of an in-service failure, this means that the vehicle can continue its runs on that day, but cannot start a new service day before the lift is repaired. If a maintenance check in the evening after completion of a day's run or in the morning before a day's runs discloses the problem, then the bus would not go into service until the repair had taken place.

Appendix D at §37.163 clarifies that this system of maintenance checks differs from an aggressive preventative maintenance program, which is also essential. The Appendix also details the importance of discovering inoperable lifts/ramps as early as possible, so they can be repaired promptly. Please review this information. While the Safety Plan references in-house maintenance to be conducted, we found no information substantiating that the City has implemented a system of regular and frequent checks of lifts/ramps.

***Provision of Alternative Accessible Transportation***

Under §37.163(f) of the DOT ADA regulations, if a vehicle operates on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, a transit agency must provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work. Appendix D explains that this alternative accessible transportation must be provided “promptly.”

The City reported the following headways for its six routes:

<b>Route</b>	<b>Headway</b>
Main Street	60 minutes
Galleria	60 minutes
Northside	45 minutes and 60 minutes
Southside	30 minutes and 60 minutes
Shopper's Special	60 minutes
Special	40 minutes

The City reported that the Main Street and Shopper's Special routes overlap/duplicate service and that the Southside and Galleria Routes overlap and duplicate service with headways of 30 minutes between buses on the route pairs, and “[the complainant] was offered Dial-A-Ride or Paratransit services, which he declined.”

The City did not explain the following: its method(s) for determining/ensuring that the lift or ramp on the next bus is operational; how this information is communicated to waiting passengers who need accessible vehicles with working lifts or ramps; or its method for ensuring that alternative accessible transportation is provided promptly nor the average time that a rider had to wait for an alternative form of transportation. The City's response does not substantiate that it has policies and procedures in place to meet the requirements of §37.163(f) to promptly provide alternative accessible transportation when required. Please review the Appendix D guidance. You will also find technical assistance in FTA's ADA Circular 4710.1, Section 6.2, “Lift/Ramp Issues Specific to Fixed Route.”

## ***Personnel Training***

Under §37.173 of the DOT ADA regulations, transit agencies must ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities. While the Safety Plan references driver training to be provided, we alert the City that these references do not encompass all of its obligations under 49 CFR Part 37 and advise the City to take any needed steps to ensure and document that personnel are trained to proficiency on the current body of ADA requirements.

## ***Disability-Related Complaint Process***

The DOT ADA regulations at §37.17 require transit providers to have procedures in place for promptly and equitably resolving disability-related complaints. Additionally, §27.121(b) requires FTA grantees to maintain complaint records and compliance reports, stating, “Each recipient shall keep on file for one year all complaints of noncompliance received. A record of all such complaints, which may be in summary form, shall be kept for five years.”

DOT amended the local complaint provisions (effective July 13, 2015) to require all transit providers, including the City, to sufficiently advertise the process for filing a complaint and to respond to complaints alleging disability discrimination. We could not, however, find information on the City’s web page specific to the disability-related complaint process. We found only an online “Contact” form.<sup>1</sup>

Furthermore, the City’s description of its process as of August 14, 2015 suggests that the required elements of the disability complaint process meeting the requirements of 49 CFR Parts 27 and 37 may not be in place. In response to our information request, the City provided a general description of its complaint policy, which does not reference the ADA or disability. This general description does not point to implementation of a disability complaint process consistent with §37.17.

Transit agencies have flexibility in establishing the best format for receiving ADA complaints. Agencies may decide to have a separate ADA complaint process or combine ADA and Title VI (covering discrimination based on race, color, or national origin) into one process, if disability is clearly delineated from the Title VI protected bases. Some agencies also decide to collect ADA complaints through comment forms that capture suggestions, compliments, and complaints related to any service issues. A general form can be used to accept ADA complaints; however, an agency using such a form will need to ensure procedures are in place for distinguishing ADA complaints from other service issues. Whatever approach is implemented, the agency must ensure the ADA complaint process is sufficiently advertised to the public so customers know how to file a disability-related complaint specifically. For technical assistance on complaint process requirements, see FTA’s ADA Circular 4710.1, Section 12-7, “Transit Agency Complaint Process.”

## **Conclusion**

Based on the concerns identified through our complaint investigation, we have decided to follow up at an upcoming onsite oversight review to determine the actions the City has taken and documented regarding the compliance issues delineated in this letter. During this review, we will ascertain the City’s current performance of its ADA obligations. FTA will notify the City under separate cover of

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<sup>1</sup> City of Poughkeepsie website at <http://cityofpoughkeepsie.com/contact-the-city-of-poughkeepsie> (last accessed Apr. 8, 2016).

the dates of the oversight review, which will focus on the City's fixed route bus lift/ramp operations and maintenance programs, related personnel training, and its disability-related complaint process. The onsite review is tentatively planned for later this year.

We alert the City to scrutinize its obligations under §37.163(b)–(f), including those to keep all lifts/ramps in operative condition, along with the training and complaint process requirements, and to immediately take any and all needed steps to ensure that its service complies with the DOT ADA regulations.

If you have any questions, investigator Susan Clark may be reached at (202) 366-4018 or via e-mail at [susan.a.clark@dot.gov](mailto:susan.a.clark@dot.gov). Please include the FTA complaint number in any correspondence regarding this matter. We thank the City for its continued cooperation.

Sincerely,



Dawn Sweet  
Program Manager,  
Complaints and Communications  
Office of Civil Rights

cc: Complainant  
FTA Region 2  
U.S. Department of Justice



U.S. Department  
Of Transportation  
**Federal Transit  
Administration**

Headquarters

5<sup>th</sup> Floor – East Bldg. TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

July 8, 2015

Kristin Guthrie  
City of Poughkeepsie  
City Hall  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

Re: FTA Complaint No. 15-0173

Dear Ms. Guthrie:

This letter transmits a copy of a complaint received by the Federal Transit Administration (FTA) Office of Civil Rights alleging discrimination on the basis of disability by the City of Poughkeepsie's fixed route service. The FTA Office of Civil Rights is responsible for ensuring that providers of public transportation are in compliance with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the U.S. Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38, and 39.

In the FTA complaint investigation process, we analyze allegations for possible ADA deficiencies by the transit provider. If deficiencies are identified, they are presented to the transit provider and assistance is offered to correct them within a predetermined timeframe. If FTA cannot resolve apparent violations of the ADA or the DOT ADA regulations by voluntary means, formal enforcement proceedings may be initiated against the public transportation provider, which may result in the suspension or termination of Federal funds. FTA also may refer the matter to the U.S. Department of Justice for enforcement.

The FTA Office of Civil Rights is authorized under the DOT regulation, 49 CFR Part 27, Subpart C, pertinent sections 27.121–123, to investigate discrimination complaints against providers of public transportation.

The complainant who uses a power scooter, Thomas Price, makes the following general allegations concerning two incidents on April 30, a third incident on May 9, 2015, and interactions with City of Poughkeepsie transit personnel.

- He and his wife attempted to board the Southside Bus #283 at 8:38 a.m. on April 30, 2015, at the corner of Hooker and Grand Avenues. At first, the driver refused to let him board, claiming the lift/ramp had been broken for quite some time. The complainant lifted his scooter onboard and off the bus upon its arrival at the Social Security Office. At noon that day, he lifted his scooter on the same bus for another trip. The afternoon driver said that Bus #283 had been on the route for months with the inoperable lift/ramp.



- On May 9, 2015 at 10:45 a.m., he and his wife encountered Bus #283 with an inoperable lift/ramp at a stop on the Galleria Route. As before, the driver initially refused to let him board and stated that the lift/ramp was not working. The complainant again lifted his scooter on the bus. After leaving the Galleria Mall later that day, the complainant and his wife elected to take the Dutchess County Loop A to the grocery store on Route 9. While at the grocery store, they saw Bus #283 in service on Route 9.

Please see the enclosed complaint for details.

By forwarding this complaint to you, we have initiated our investigative process. Please review the complaint and provide your response to investigator Susan Clark via e-mail at [susan.a.clark@dot.gov](mailto:susan.a.clark@dot.gov) within 30 calendar days of the date of this letter. With your response, please provide the items from page 3 of this letter, and indicate if there are certain requests for which no information is available.

If you have any questions regarding this inquiry, I may be reached directly at (202) 366-0529 or via e-mail at [dawn.sweet@dot.gov](mailto:dawn.sweet@dot.gov). Please include the FTA complaint number in any correspondence regarding this complaint. Thank you for your assistance.

Sincerely,



Dawn Sweet  
Program Manager,  
Complaints and Communications  
Office of Civil Rights

Enclosure

cc: FTA Region 2

Please provide the following items/documentation:

1. A detailed written response with supporting documentation to the complainant's specific allegations concerning the incidents and his interactions with City of Poughkeepsie or contracted personnel.
2. Copies of all relevant correspondence between the complainant and the City of Poughkeepsie or its contractors, including complaints and any actions taken in response to the complaints.
3. Details on the vehicles used in the City of Poughkeepsie's fixed route service. Include such specifics as the number of vehicles and their make/model; the spare ratio; and indicate whether or not each vehicle is accessible to people with disabilities, including those who use scooters.
4. Written descriptions of the City of Poughkeepsie's policies on (1) lift/ramp use by customers with disabilities, including those who use scooters; (2) training drivers on lift/ramp deployment, including manual operation; (3) checking lifts/ramps for operability; (4) maintaining lift/ramp operability; (5) drivers reporting in-service lift/ramp failures; (6) repairing lifts/ramps; and (7) keeping vehicles with inoperative lifts/ramps in service.
5. The total number of fixed route buses put into service, total number of buses required for peak pull-out, and the number of buses put into service with lifts/ramps previously reported to be or otherwise known to be inoperable, by month for the past 6 months.
6. The number of buses with lift/ramp failures while in service; the total number of lift/ramp failures (i.e., accounting for possible multiple failures of a given lift during a particular trip or multiple trips); and the length of time those buses stayed in service before being repaired, by month for the past 6 months.
7. The headways between buses (accessible and inaccessible) on all fixed routes, or a schedule showing the information. A description of the provision of alternative accessible transportation to people with disabilities, including those who use scooters, when the headway to the next accessible vehicle exceeds 30 minutes, consistent with 49 CFR 37.131(f). Include the average time that a rider had to wait for an accessible bus or alternative form of transportation, following arrival of a bus experiencing a lift failure or an inoperative lift, by month for the past 6 months.
8. The City of Poughkeepsie's procedure(s) incorporating appropriate due process for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability.

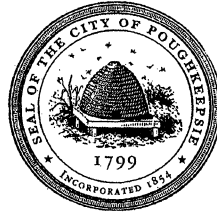
# The City of Poughkeepsie

New York

**PAUL ACKERMANN**  
Corporation Counsel

**REBECCA A. VALK**  
Assistant Corporation Counsel

**VICTOR AQEEL**  
Assistant Corporation Counsel



62 Civic Center Plaza  
Poughkeepsie, NY 12601

PHONE: (845) 451-4065  
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August 14, 2015

Dawn Sweet, Program Manager  
U. S. Department of Transportation  
Federal Transit Administration  
5<sup>th</sup> Floor – East Building, TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

RECEIVED IN TCR  
2015 AUG 24 P 4: 24

Re: FTA Complaint No. 15-0173

Dear Ms. Sweet:

Please accept this as the City's response to the above complaint. For your convenience I will address your requests in the same order as numbered.

1. Bus 283 of the City of Poughkeepsie fleet had a broken ramp due to a bus accident. The City has six routes and eight buses of which two are spares that are used when buses are out of service for maintenance or repairs. The City provides duplications of route service on some of our routes. While bus 283's wheelchair lift was not operational on April 30, 2015, another bus with an operational wheelchair lift was following on the same route. The City also contracts with Dutchess County to provide Dial-A-Ride services and Para-Transit Services. Both services were offered to Mr. Price by Mr. McGann, but he refused same. The bus was pulled for service on May 15, 2015 and work began on May 16, 2015 with work completing on May 22, 2015. The bus was put back in service on the May 26, 2015. While in for service, it was only used as a spare bus, and riders were offered alternative means of transportation. The only documentation of the interaction with the City of Poughkeepsie personnel is one phone call. Mr. Price called the bus dispatcher on May 11, 2015 alleging that there was no handicapped service for two weeks and threatened a lawsuit. Mr. Price was offered Dial-A-Ride or Para-Transit Services, which he declined.
2. There is no written correspondence between City and Complainant. Only complaint was verbal via telephone.

3. City of Poughkeepsie Transit System Fleet Inventory:

MODEL	NO.	LENGTH/CAPACITY/WC/FUEL	ACCESSIBILITY
2004 Gillig Phantom	281	35'L, 36 seats, 26 standing, 2wc, D fuel	Lift
2004 Gillig Phantom	282	35'L, 35 seats, 26 standing, 2wc, D fuel	Lift
2008 Gillig Hybrid Phantom	08-283	40'L, 38 seats, 28 standing, 2wc, D fuel	Ramp
2008 Gillig Hybrid Phantom	08-284	35'L, 32 seats, 24 standing, 2wc, D fuel	Ramp
2008 Gillig Hybrid Phantom	08-285	35'L, 32 seats, 24 standing, 2wc, D fuel	Ramp
2008 Gillig Hybrid Phantom	08-286	35'L, 32 seats, 24 standing, 2wc, D fuel	Ramp
2011 Gillig Hybrid Phantom	287	40'L, 38 seats, 28 standing, 2wc, D fuel	Ramp
2011 Gillig Hybrid Phantom	288	35'L, 32 seats, 24 standing, 2wc, D fuel	Ramp

There are six (6) fixed routes from September through June, five (5) fixed routes July and August. Assuming one (1) bus out of service for repairs or regular maintenance, the spare ratio is one (1) spare bus from September through June and two (2) spare buses during July and August.

4. See attached response.

5. January 2015: 6 fixed route buses

February 2015: 6 fixed route buses

March 2015: 6 fixed route buses, 1 bus (inoperable ramp) in service as spare (3/17)

April 2015: 6 fixed route buses, 1 bus (inoperable ramp) in service as spare

May 2015: 6 fixed route buses, 1 bus (inoperable ramp) in service as spare (fixed 5/20)

June 2015: 6 fixed route buses

6. January 2015: 0 failed in-service buses, 0 failed spare bus

February 2015: 0 failed in-service buses, 0 failed spare bus

March 2015: 0 failed in-service buses, 1 failed spare bus (3/17)

April 2015: 0 failed in-service buses, 1 failed spare bus

May 2015: 0 failed in-service buses, 1 failed spare bus (fixed 5/20)

June 2015: 0 failed in-service buses, 0 failed spare bus

7. Main Street: 60 minutes

Galleria: 60 minutes

Northside: 45 minutes and 60 minutes

Southside: 30 minutes and 60 minutes

Shopper's Special: 60 minutes

Special: 40 minutes

Overlapping routes: Main Street / Shopper's Special: 30 minutes

Southside / Galleria: 30 minutes

Additional service provided by Dutchess County Loop Bus System (a Para-Transit contract has been established with Dutchess County for the City of Poughkeepsie).

8. All complaints are investigated initially by the Department of Public Works Safety Officer. If such complaint cannot be handled, the complaint is forwarded to the Deputy Commissioner of Finance. This provides an appeal process for all complaints and an adequate opportunity for a complainant to be heard.

Trusting this is satisfactory, I am,

Sincerely,

CITY OF POUGHKEEPSIE

By: \_\_\_\_\_

  
PAUL ACKERMANN, ESQ.  
CORPORATION COUNSEL

PA:nlbg  
Enclosures

meet all requirements established in Vehicle and Traffic Law Article 19A and any Federal Regulations.

- 15.4.5 Training requirements for operators include familiarization with the property's facilities and the local areas.
- 15.4.6 Training requirements for operators include thorough coverage of the role of safety, in the overall organization and in operations.
- 15.4.7 Training requirements include route training, map reading and the location of local medical, police, and fire facilities.
- 15.4.8 Instruction in operation of a safety related equipment, to include, but not limited to the following:
- 15.4.8.1 Operator training on the safe operation of the doors, door interlocks (on equipment having these types of doors) and safety features.
  - 15.4.8.2 Operator training for the safe operation of the kneeling system (on equipment having kneeling systems) and safety features.
  - 15.4.8.3 Operator training for the safe operation of the wheelchair lift, its safety features and tie downs or locking devices.
  - 15.4.8.4 Operator training in the safe operation of the brakes as well as safe acceleration and deceleration rates.
  - 15.4.8.5 Operator training in the use of the mirrors, sun visor and wipers.
  - 15.4.8.6 Operator training for the proper use of the bus communication systems, being the two-way radios. Poughkeepsie Transit System does not have security alarms.
- 15.4.9 Operator training provided on passenger safety to include, but not limited to the following:
- 15.4.9.1 Operator training on passenger safety including on-board causes of accidents and injuries and safe acceleration and deceleration rates.
  - 15.4.9.2 Operator training on passenger safety includes the physical limitations of the elderly and disabled
- 15.4.10 Operator receives training in the emergency/standard operation procedures to include, but not limited to the following:
- 15.4.10.1 Operator training for the traffic accidents.
  - 15.4.10.2 Operator training for collision with fixed objects.

4(2)

Section 17. Maintenance Safety Related Activities

17.1 Vehicle Maintenance Policies and Programs:

- 17.1.1 Employees, during orientation, are introduced to vehicle maintenance policies and program.
- 17.1.2 Units are scheduled for service, based on mileage.
- 17.1.3 All preventative maintenance is scheduled according to mileage. Each bus receives preventative maintenance at 6,000 miles or every ninety (90) days. Whichever occurs first.
- 17.1.4 All maintenance is done in-house.
- 17.1.5 Poughkeepsie Transit System usually purchases new equipment from the NYSDOT bid contract.
- 17.1.6 Mechanic's defensive driver training and retraining program is through the US Department of Transportation, Transportation Safety Institute. Sponsored by the Urban Mass Transportation Administration. It includes passenger relations, bus maneuvering and defensive driving and emergency and accident handling procedures.

17.2 Preventative maintenance procedures and schedules include but not limited to the following tests and inspections:

- 17.2.1 The brake and air systems
- 17.2.2 The door system
- 17.2.3 On-board communication systems, interior and exterior lights and reflectors
- 17.2.4 Tires, lug nuts, and studs
- 17.2.5 Steering assembly
- 17.2.6 Wheelchair lift system and tie downs systems
- 17.2.7 Windshield wipers, mirrors, and horn
- 17.2.8 Body exterior, interior and steps
- 17.2.9 Suspension system
- 17.2.10 Fire extinguisher, first aid kit, fuses and triangle reflectors.
- 17.2.11 Seatbelts

17.3 Corrective maintenance procedures for equipment and systems in place to include, but not limited to, the following:

A(A)

- 16.2.5 The emergency operating procedure for inclement weather, are as explained in the training materials published by the Transportation Safety Institute.
- 16.2.6 Operating procedure for route detours is to inform dispatch immediately upon encountering a detour.
- 16.3 Operator conducts pre-and post-trip inspections of bus equipment to include, but not limited to, the following:
- 16.3.1 Brakes system
  - 16.3.2 The door system
  - 16.3.3 On-board communication systems, exterior, interior lights and reflectors
  - 16.3.4 The tires, lug nuts and studs
  - 16.3.5 Steering assembly and suspension system
  - 16.3.6 Wheelchair lift system and tie down system (when equipped)
  - 16.3.7 Windshield wipers, mirrors, horn and seatbelt
  - 16.3.8 Bus exterior, bus interior and steps
  - 16.3.9 On-board fire extinguisher, first aid kit, fuses and triangle reflectors
- 16.4 Revenue service checks conducted, to include but not limited to, the following:
- 16.4.1 To determine the operator's general performance and conformance to the standard operation procedures.
  - 16.4.2 To determine the operator's handling of elderly and disabled passengers and sensitivity to their situation.
  - 16.4.3 For schedule adherence
  - 16.4.4 Revenue service speed checks are performed at school zones and areas with a high citation rate.
  - 16.4.5 Upon request, reports are prepared and submitted for the revenue service checks conducted.
- 16.5 Operations helps resolve unsafe practices and investigate accidents and incidents
- 16.6 Operations helps establish safety-training requirements.
- 16.7 Safety performance is part of employee evaluation.

4(3)



Bus # \_\_\_\_\_

Bus Inspection Sheet Mileage \_\_\_\_\_

Date \_\_\_\_\_

Check EACH item that meets inspection standards. Write comments on reverse side

Pre Road Test

- 4(2,6)
1. Low air warning buzzer
  2. Start engine; check neutral safety system
  3. Air governor setting 120 psi High- 90 psi low
  4. Test horn, check gauges
  5. PA system / 2 way radio and camera system: email supervisor if camera system is not working.
  6. Engine protection or alarm system
  7. Parking and emergency brake system
  8. Stop signals
  9. Heater, defroster and fan operation
  10. A/C unit
  11. Kneeling operation
  12. Wheelchair lift-ramp
  13. Wiper & washer operation
  14. First aid kit and 3 flares or 3 reflectors
  15. Fire extinguisher (charged? Certified? Secured?)
  16. All interior surfaces and seats
  17. Pressure wash if needed
  18. Exterior body, exit and entry doors and all windows and windshields
  19. Rear door touch bar
  20. All exterior lights and signals
  21. ROAD TEST Steering control (free play, looseness)
  22. Engine (run smoothly? unusual noise?)
  23. Emergency exits (operation: warning devices)
  24. UNDER HOOD All fluid levels (locate source of any leaks)
  25. Condition of belts, hoses
  26. Fuel system, check for any leaks
  27. Battery and master cut off switch
  28. UNDERSIDE King pin end play
  29. Steering linkage and suspension
  30. Exhaust system (any leakage, looseness)
  31. Transmission and transmission cooler line for leakages
  32. Driveshaft, including u-joints
  33. Differential fluid level
  34. BRAKE INSPECTIONS Brake chambers; relay valves, lines (mounting; leakages)
  35. Slack adjuster and linkage- All air lines and air tanks. Drain air tanks.
  36. TIRES Front L \_\_\_ R \_\_\_ Rear LO \_\_\_ LI \_\_\_ RI \_\_\_ RO \_\_\_ inflate all tires to spec. Axle flange and lug nuts.
  37. PERFORM BRAKE TEST WITH METER Service \_\_\_\_\_ Emergency \_\_\_\_\_ Other \_\_\_\_\_

Inspector' Signatures \_\_\_\_\_

## Sec. 37.163 Keeping vehicle lifts in operative condition: Public entities.

- (a) This section applies only to public entities with respect to lifts in non-rail vehicles.
- (b) The entity shall establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.
- (c) The entity shall ensure that vehicle operators report to the entity, by the most immediate means available, any failure of a lift to operate in service.
- (d) Except as provided in paragraph (e) of this section, when a lift is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service.
- (e) If there is no spare vehicle available to take the place of a vehicle with an inoperative lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperative lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.
- (f) In any case in which a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the entity shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.